

Notice of Allowability

Application No.

10/769,973

Applicant(s)

WOOTTON ET AL.

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Notice of Appeal filed on 12/28/06.
2. ☒ The allowed claim(s) is/are 1-18 and 21-23 (renumbered as 1-21 respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

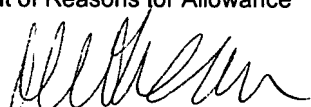
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Minh-Chau Pham
Patent Examiner
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Allowable Subject Matter

Claims 1-18 and 21-23 allowed.

The closest relevant arts are Wachter (3,775,949) and Grandjean et al (5,900,043).

Wachter teaches a filtration unit which supplies a room with air purified from poisonous substances (see Abstract) comprising a first air flow path (16) wherein air passes through the filtration unit without passing through a filter, a second air flow path (8) wherein air passes through the filtration unit through a filter (5), and a controller allowing the filtration unit to switch from passing air through the first air flow path to the second air flow path and vice versa without the filter being removed from the filtration unit (see col. 1, lines 52-59). Wachter further teaches a rapid closure valve (13) arranged in the first and second flow paths and controlled by a controller, and the valve can be switched from one position to another to facilitate air flow to either path, as desired (see 13 in Fig. 1, col. 1, lines 34-38 and lines 52-59, col. 2, lines 26-37).

Grandjean et al teach a filtration unit comprising a first air flow path (see air arrow flowing through pipe 22) wherein air passes through the filtration unit without passing through a filter, a second air flow path (see air arrow flowing through pipes 4 & 5) wherein air passes through the filtration unit through a filter (3), and a controller allowing the filtration unit to switch from passing air through the first air flow path to the second air flow path and vice versa without the filter being removed from the filtration unit (see col. 3, line 62 through col. 4, line 2, col. 4, lines 27-29). Grandjean et al further teach a switching valve (25) arranged in the first and second flow paths and controlled by a

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controller, and the valve (25) can be switched from one position to another to facilitate air flow to either path, as desired (see 25 in Fig. 1, col. 3, line 3 through col. 4, line 2, col. 4, lines 10-20 and lines 27-29).

Claims 1-18 and 21-23 of this instant patent application differ from the disclosure of either Wachter or Grandjean et al in that the filter being a NBC or nuclear, biological, and chemical filtration unit for use with a portable environmental control unit (ECU) where there are two air flow paths one being filtered by an NBC filter and one being unfiltered, and a controller controlled by a plurality of valves for allowing the filtration unit to switch from from one path to the other.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Minh-Chau Pham
Patent Examiner
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